

### **REMARKS**

Claims 1-21 are now pending in the application. Claim 1 has been amended and claims 12-21 have been added. Claims 1-3, 5, 8-10, 12, 13, 15 and 18-20 are independent. Reconsideration of this application, as amended, is respectfully requested.

#### **Election/Restriction**

The Examiner has made the Restriction Requirement dated February 28, 2003 final. Accordingly, claims 2-11 stand withdrawn from further consideration by the Examiner as being directed to a non-elected invention.

As the Examiner will note, claims 12-21 have been added for the Examiner's consideration. Claims 12-21 include the recitation "wherein the thickness of a trunk portion of the external can is made thinner than 0.18 mm, and the thickness of the sealing edge portion of the external can is made 1.4 times greater than the thickness of the trunk portion" which is included in independent claim 1. In view of this, claims 12-21 are not distinct from claim 1 and should therefore be examined in the present application.

With regard to claims 2-11, Applicants submit that the Examiner's Restriction Requirement is improper and should be withdrawn. In the Restriction Requirement dated February 28, 2003, the Examiner has provided an explanation with regard to the distinction between Group I and Groups II-IV. At paragraph 2 of the Examiner's Restriction Requirement, the Examiner has explained the reasons why the various groups are distinct from one another. However, the Examiner has merely stated recitations which are not

included in each one of the groups specified by the Examiner. Applicants submit that this way of showing distinction by the Examiner is not in accordance with any of the ways of showing distinction set forth at MPEP §§ 806.05(a) through 806.05(i). In view of this, it is requested that the Examiner explain the basis for the Restriction Requirement. To the extent the Examiner is attempting to show distinction by showing that each group is distinct from each other group, since the Examiner has not shown distinction between Group II and Group IV, Applicants submit that the Examiner has not shown that all of the groups are distinct from each other and therefore the claims are not properly restrictable.

Further to the above, since Groups II and IV are not distinct, the claims in these groups are linking claims. Accordingly, the claims of Group III should also be examined in the present application. In addition, Applicants submit that claims 12-21 are linking claims that require examination of claims 2-11 in the present application.

In view of the above comments, Applicants submit that all of claims 1-21 should be examined in the present application. Accordingly, reconsideration and withdrawal of the Examiner's Restriction Requirement are respectfully requested.

### **Objection to the Drawings**

The drawings stand objected to under 37 C.F.R. § 1.83(a) as not showing every feature of the invention specified in the claims. The Examiner asserts that drawings do not show the sealing portion of the can being 1.4 times the thickness of the lower part of the can. Applicants submit that it is unnecessary to illustrate this aspect of the present

invention in the drawings. First of all, Applicants submit that this aspect of the present invention is not essential for a proper understanding of the present invention and therefore inclusion of this feature in the drawings is unnecessary. Second, Applicants submit that drawings are not required to be in proper scale. The present drawings clearly illustrate the sealing portion and the lower part of the can and in conjunction with the present specification one having ordinary skill in the art would readily be able to understand the present invention. In view of this, the Examiner's requirement that the drawings be of a certain scale is without basis. If the Examiner still believes that the drawings should illustrate that the sealing portion is 1.4 times the thickness of the lower part of the can, it is requested that the Examiner provide a basis for requiring that the drawings be drawn to scale.

The drawings also stand objected to since not designated by a legend such as "PRIOR ART." As the Examiner will note, FIGS. 15-17 have been amended to include the designation "BACKGROUND ART" in order to clarify that these figures are not directed to the present invention.

In view of the above amendments and remarks, Applicants submit that the drawings are now in proper form. Accordingly, reconsideration and withdrawal of the Examiner's drawing objection are respectfully requested.

**Rejection Under 35 U.S.C. § 102**

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Ferarro et al., United States Patent Application Publication No. US 2002/0081490. This rejection is respectfully traversed.

The present invention is directed to an alkaline dry cell, wherein a combination of elements are recited in independent claim 1 including "a cathode and an anode." Furthermore, the cathode is "made up of a mixture of manganese dioxide and graphite." This aspect of the present invention is supported at page 30, second full paragraph of the present specification. The mixture of manganese dioxide and graphite increases the strength of the molded body forming the cathode 2 and thereby permits the thickness of the can to be decreased. Applicants submit that the Ferraro et al. reference relied on by the Examiner fails to disclose this aspect of the present invention.

Referring to Ferarro et al., this reference discloses a casing for an electro chemical cell 10. However, this reference fails to disclose that the cathode is made up of a mixture of manganese dioxide and graphite as required by independent claim 1 of the present invention. Accordingly, the Ferarro et al. patent fails to anticipate independent claim 1 of the present invention.

In view of the above amendments and remarks, Applicants submit that claim 1 clearly defines the present invention over the Ferarro et al. reference relied on by the Examiner. Accordingly, reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 102(e) are respectfully requested.

### CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

Applicants respectfully petition under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a two-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of **\$410.00** is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 

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